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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91199117
Party	Plaintiff Merial
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Date	07/01/2011
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

IN THE MATTI	ER OF TRAD	EMARK
APPLICATION	SERIAL NO	. 85/120,994

MERIAL	
Opposer)
v.	Opposition No. 91199117
SERGEANT'S PET CARE PRODUCTS, INC.	
Applicant)))

CONSENT MOTION FOR ORDER CONSOLIDATING PROCEEDINGS AND ABROGATING REQUIREMENTS RELATING TO INITIAL DISCLOSURES

Opposer, MERIAL, ("Opposer"), with the consent of Applicant, SERGEANT'S PET CARE PRODUCTS, INC., ("Applicant"), hereby moves for consolidation of this proceeding with the earlier filed Opposition No. 91197053.

Applicant had filed a motion to consolidate the proceedings on April 18, 2011, and this motion was opposed by Opposer in a response filed on May 2, 2011, on the grounds that it would be prejudiced by delays in discovery in that discovery had been open in Opposition No. 91197053 proceeding but was not yet open in this Opposition No. 91199117. However, since Opposer has received responses to the discovery which it served in the earlier-filed Opposition No. 91197053 and since discovery is now open in this proceeding, Opposer's reasons for opposing the motion to consolidate no longer exist.

Applicant and Opposer have also agreed to waive the requirements for initial disclosures.

Although Opposer has served initial disclosures in both proceedings and Applicant has served

initial disclosures in this proceeding, the parties have agreed to waive the requirements for initial disclosures and ask that the Board's order that the proceedings be consolidated also order that all of the parties' obligations relating to initial disclosures are waived, that the parties are not obligated to supplement initial disclosures and that Applicant is not obliged to provide initial disclosures in connection with Opposition No. 91199117.

Respectfully Submitted,

STITES & HARBISON PLLC

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July 1, 2011

Certificate of Service

I hereby certify that a true copy of the foregoing CONSENT MOTION FOR ORDER CONSOLIDATING PROCEEDINGS AND ABROGATING REQUIREMENTS RELATING TO INITIAL DISCLOSURES was sent this 1st day of July, 2011, via e-mail and by sending it via First Class Mail, postage prepaid, to:

Keith Grady Esq. Polsinelli Shugart PC 100 S. Fourth Street Suite 1000 St. Louis, MO 63102

Mari-Elise Taube